

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1 and 3-19 remain pending.

Rejections – 35 U.S.C. § 103

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,016,861 ("Davis") in view of U.S. Patent No. 5,915,443 ("Lindley"). Applicant respectfully traverses this rejection.

When combining references to make an obviousness rejection, there must be some motivation or suggestion, within the references themselves, to make the combination. In the present instance, Davis teaches against combining with Lindley because doing so would defeat the stated purpose of Davis. The purpose of Davis is "to provide a screen for the rear window of a vehicle that may be quickly... open[ed] and closed..." (Davis, col. 2, lines 12-15) allowing a passenger "to access items in the truck bed" (*Id.* at col. 3, lines 22-23). However, while Lindley describes a retractable window screen attached to the frame and sash of a double-hung window, it's stated purpose is to prevent the entry of insects when the sash is opened. Lindley, col. 2, lines 1-5. Since the retractor is built into the frame and the screen is attached to the sash in a permanent fashion, using wood screws, nails and bolts, the screen cannot be removed to allow access to items on the other side of the window. *Id.* at col. 4, lines 52-53 and Figure 7A. Therefore, combining Davis with Lindley

would result in a screen that prevents access to the cargo area, thereby defeating the purpose of Davis.

In that there is no motivation within Davis or Lindley to combine these references, it must be concluded that the combination of Davis in view of Lindley cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Even if there were a motivation to combine the references, Lindley individually and when combined with Davis, would fail to disclose or suggest the features lacking in Davis, namely a screen attached to a retractor located adjacent to a side portion defining an opening between two stationary windows. See Davis at Figures 1-6. Lindley discloses a retractor located in the window frame and a screen attached to the window sash. Lindley at col. 4, lines 45-60 *and* Figure 7A. Therefore, if the teachings of the references are combined the combination of Davis and Lindley would have a retractor located in the frame surrounding the window assembly, rather than adjacent to the opening defined by the two stationary windows as claimed in the present invention.

In that Lindley fails to disclose or suggest the elements previously noted as being absent in Davis, it must be concluded that the combination of Davis in view of Lindley cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

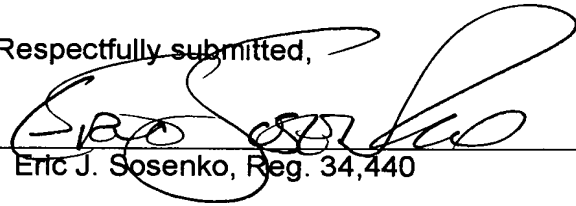
Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

record and that this application is now in condition for allowance. Such action is requested.

July 6, 2004
Date

Respectfully submitted,


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